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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,351	08/08/2001	Philip Cunetto	P19897	2860
7055	7590	09/20/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			ROBERTS, BRIAN S	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 09/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/923,351	CUNETTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian Roberts	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-13, 15-18 is/are rejected.
- 7) ☐ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some \*    c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

- Applicant's amendment filed on 7/03/2006 is acknowledged.
- Claims 1 and 11 have been amended.
- Claims 1-18 remain pending.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13, 15-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sreedharan et al. (US 6473430) in view of Smyk (US 6289001) and further in view of Hemmady (US 6633569).

- In reference to claims 11 and 12

In Figures 1 and 2, Sreedharan et al. teaches a system where an ATM switch (111-113) is connected to a frame relay user (123-124) and where the frame relay user (123-124) attempts to communicate with another frame relay (123-124) user via an SVC connection. (abstract, column 2 lines 25-50) The process inherently involves a setup request by the frame relay user (123) before a virtual circuit is established to transfer data across the network. A NMS (140) establishes a PVC connection from the access concentrator (130) through ATM switch (111) to the frame relay proxy controller (230) in

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ATM switch (113). The frame relay proxy controller (230) (non-switching controller) in the ATM switch (113) is then responsible for providing the SVC signaling for the connection after the PVC is established. (column 5 line 45 – column 6 line 15)

Sreedharan et al. does not teach a controller sending a first proxy signal to an ATM switch in order to set up an SVC connection across the ATM network.

Smyk teaches a system where a proxy agent receives a setup request from an ATM switch and then sends a proxy signal to the switch. (Figure 1-2, column 2 lines 10-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system as taught by Sreedharan et al. to include a proxy agent (frame relay proxy controller) connected to the switching interface (ATM switch) (210) and send a proxy signal via proxy channel as taught by Smyk in order for the proxy agent (frame relay proxy controller) to communicate with the switching interface (ATM switch) (210) and begin setup of a SVC within the ATM backbone network for data transfer between end users.

Sreedharan et al. and Smyk do not teach the controller performing policy management for the ATM switch.

In Figure 1, Hemmady teaches a system where an SCP (130) and NMS (135) (centralized policy management) perform policy management via maintaining a database (420) storing quality of service data and congestion level data. The SCP (130) and NMS (135) utilize the database to establish a best route for a SVC connection and

to determine whether to grant or a reject a SVC connection request. (abstract, column 7 lines 33-39)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system as taught by the combination of Sreedharan et al. and Smyk to include the SCP (130) and NMS (135) performing policy management via communicating with database storing quality of service data and congestion level data as taught by Hemmady because it allows the SCP (130) and NMS (135) to utilize the database to select a best route for a SVC connection and to determine whether to grant a SVC connection request.

- In reference to claim 13

The combination of Sreedharan et al., Smyk, and Hemmady teach a system that covers substantially all limitations of these claims. In Figures 1 and 2, Sreedharan et al further a method of sending signals between ATM switches, controllers, and end users to establish a connection.

Sreedharan et al. does not teach a second proxy signal from a second ATM switch to a second controller and a second controller sending a second connection setup signal to a second end system through the second switch.

In Figures 1 and 2, Smyk teaches a system where a second proxy agent receives a proxy signal from a second ATM switch and then sends a proxy signal to the second switch to set-up the SVC. (column 2 lines 10-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system as taught by Sreedharan et al. to include a second proxy agent connected to a second ATM switch and send a second proxy signal via proxy channel as taught by Smyk in order for the second proxy agent to communicate with the second ATM switch and begin setup of a SVC within the ATM backbone network for data transfer between end users.

- In reference to claim 15

The combination of Sreedharan et al., Smyk, and Hemmady teach a system that covers substantially all limitations of these claims. Sreedharan et al. further teaches the establishment of PVC connections through the ATM backbone network (101). (column 4, lines 51-67)

- In reference to claim 16

The combination of Sreedharan et al., Smyk, and Hemmady teach a system that covers substantially all limitations of these claims. In Figures 1 and 2, Sreedharan et al. further teaches the first proxy comprise ATM SVC signaling devices and SVC connection protocol compliant signaling.

- In reference to claim 18

The combination of Sreedharan et al., Smyk, and Hemmady teach a system that covers substantially all limitations of these claims. In Figure 1, Sreedharan et al. further

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teaches an ATM access concentrator (130) capable of receiving a plurality of input data streams comprising of frame relay data and ATM cells and converting them into an ATM cell output stream. (column 4 lines 38-50)

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sreedharan et al. (US 6473430), in view of Smyk (US 6289001), in view of Hemmady (US 6633569), as applied to the parent claims, and further in view of Acharya et al. (US 5903559)

- In reference to claim 17

The combination of Sreedharan et al., Smyk, and Hemmady teach a system that covers substantially all limitations of these claims.

The combination of Sreedharan et al., Smyk, and Hemmady do not teach a system that intercepts IP packets and retrieves IP signaling for processing by the controller to support Internet Protocol.

Acharya et al. teaches a method that runs IP directly on ATM hardware. IP modules are present at every switch in the ATM network. Packet routing is IP-style, hop-by-hop routing over a PVC network. A switch controller examines any IP and TCP header values and uses the values to route the IP packets. (column 4 lines 20-65)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system as taught by the combination of Sreedharan et al., Smyk, and Hemmady to include the system that intercepts IP packets and retrieves IP

signaling for processing by the controller to support Internet Protocol as taught by Acharya et al. because it allows the IP packets to be switched over an ATM network.

***Response to Arguments***

4. Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

5. Claims 1-10 are allowed.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the prior record fails to teach or fairly suggest a method of processing ATM SVC signaling comprising receiving by the second controller a first connection connect signal from a second end system, a connection connect signal being routed through a second ATM switch; sending a third proxy signal from the second controller to the second ATM switch; sending a second connection connect signal from the second ATM switch to the first ATM switch; sending a fourth proxy signal from the first ATM switch to the first controller; and sending a third connection connect signal from the first controller to the first end system, the third connection connect signal being routed through the first ATM switch.



***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR  
09/12/2006



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